

## REMARKS

Applicant respectfully requests reconsideration of this application.

As a preliminary matter, in the Office Action mailed July 19, 2005, although the Examiner did indicate that PCT application 0 022 534 that was listed under Foreign Patent Documents on the PTO-1449 form mailed October 30, 2001 was considered, the Examiner is respectfully request to also indicate such by initialing the corresponding box next to the listing of this document on the PTO-1449 form submitted by the Applicant.

### Office Action Rejections Summary

Claims 1, 2, 4, 7-10, 12, 15-18, 20, 23-26, 28, 29, 32-35, 39, and 40 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2001/0052087 of Garg et al. (“Garg”).

Claims 30, 31, and 36-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Garg and U.S. Patent No. 5,619,656 of Graf (“Graf”).

### Status of Claims

Claims 1, 2, 7-10, 15-18, 23-26 and 29-40 are pending in the application. Claims 1, 9, 17 and 25 have been amended. No claims have been added. No new matter has been added. Claims 4, 12, 20 and 28 have been canceled, without prejudice.

### Claim Rejections

Claims 1, 2, 4, 7-10, 12, 15-18, 20, 23-26, 28, 29, 32-35, 39, and 40 have been rejected under 35 U.S.C. §102(e) as being anticipated by Garg. It is submitted that the claims are patentable over the cited reference.

Each of independent claims 1, 9, 17 and 25 as amended recite “[enable/enabling] an advanced notification rule to **preempt** the standard notification rule **by suspending the first notification from being generated** upon the occurrence.” (emphasis added).

The Office Action cites to the paragraph 0068 disclosure of Garg of an alarm being ignored for support of its assertion that Garg discloses the suspending of the generation of a first notification from being generated. Applicant respectfully disagrees with the Office Action’s assertions and characterizations of the disclosure of Garg.

It is submitted that the ignoring of an alarm as disclosed by Garg is not the same as not generating an alarm. Garg clearly discloses that Alarm1 is generated. More specifically, the analysis rules block 116 in analysis module 38 of Garg generates alarms such as the exemplary Alarm1 and Alarm2 discussed in paragraph 0068. The generated alarms (i.e., Alarm1 which is ultimately “ignored”) are transmitted from analysis module 38 to alarm generator 40 via a link (labeled as 124 in Figure 7 and 138 in Figure 9). The alarm generator 40 includes an alarm analyzer that receives the alarms and determines the manner in which notice is provided based on an alarm notification policy. It is at this backend stage that the alarm generator 40 decides that Alarm1 may be “ignored.” (Garg paragraphs 0076-0077 and 0082; Figure 9). Although Alarm 1 may be rejected in favor of Alarm2, Alarm1 has still been generated. It is submitted that “ignoring” does not mean that an item is not generated, either by its plain meaning or by any disclosure or teaching of Garg. The generation of Alarm1 is further evidenced by its utilization as a basis of comparison with Alarm2 in alarm generator 40. As such, the selection of Alarm2 by alarm generator 40 does not suspend the analysis rules 116 from generating Alarm1. Garg clearly states “[t]he first rule generates an alarm (Alarm1) . . .”(Garg, paragraph 0068, first sentence).

In contrast, each of the independent claims includes the limitation of an advance notification rule that “preempts” a standard notification rule from generating a first notification by suspending the first notification from being generated.

Furthermore, it is submitted that Garg teaches away from such a limitation through the nature of the problem attempted to be solved by its stated inventors. Specifically, in the Background section Garg teaches that existing systems use thresholds to identify network problems based on how the network administrator believes the network should operate and that the thresholds do not automatically change with changes in network operation or configuration. Instead, the network administrator must make adjustments manually when a network changes occurs. (Garg, paragraph 0007). In an attempt to address this problem, Garg discloses an automated backend process to make decisions (based on cognitive signatures of the network) after alarm generations, as discussed above, in order to avoid having a network administrator making changes to existing notification rules that are in place.

Therefore, for at least the reasons given above, it is submitted that each of independent claims 1, 9, 17 and 25 (and their respective dependent claims) are patentable over Garg.

Claims 30, 31, and 36-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Garg and U.S. Patent No. 5,619,656 of Graf (“Graf”). It is submitted that Graf fails to cure the deficiencies of Garg noted above with respect to the respective independent claims of claims 30, 31, and 36-38. Therefore, claims 30, 31, and 36-38 are patentable over the combination of cited references.

In conclusion, applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome.

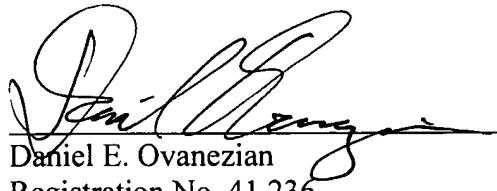
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/29, 2006

  
Daniel E. Ovanezian  
Registration No. 41,236

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

**FIRST CLASS CERTIFICATE OF MAILING**

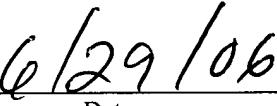
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

on 6/29/06  
Date of Deposit

JUANITA BRISCOE

Name of Person Mailing Correspondence

  
Signature

  
Date